

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MANUEL S. ALVAREZ,

Plaintiff,

v.

**1:06-CV-745
(FJS/RFT)**

**CHARLES HAYWARD; WILLIAM NADER;
and THE NEW YORK STATE RACING
ASSOCIATION, INC.,**

Defendants.

APPEARANCES

OF COUNSEL

COOPER ERVING & SAVAGE LLP

PHILLIP G. STECK, ESQ.

39 North Pearl Street, 4th Floor
Albany, New York 12207
Attorneys for Plaintiff

HARRIS BEACH PLLC

**EDWARD P. HOURIHAN, JR., ESQ.
BRIAN LAUDADIO, ESQ.**

99 Garnsey Road
Pittsford, New York 14534
Attorneys for Defendants

SCULLIN, Senior Judge

ORDER

Currently before the Court is Plaintiff's "Order to Show Cause with a Request for Temporary Relief." *See* Dkt. No. 21. Have reviewed all of the papers that Plaintiff submitted in support of his request, the Court hereby

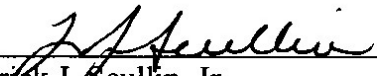
ORDERS that Plaintiff's request that Defendants show cause "why a preliminary injunction pursuant to Federal Rule of Civil Procedure 65 should not be issued staying the credential revocation hearing scheduled for August 25, 2006, why this motion should not be

consolidated with plaintiff's request for permanent injunctive relief pursuant to FRCP 65(a)(2), and why this Court should not grant plaintiff summary judgment pursuant to FRCP 56 on the second cause of action in the complaint precluding defendants from convening a credential revocation hearing at any time" is **DENIED**; and the Court further

ORDERS that Plaintiff's request for a temporary restraining order staying "[D]efendants, their agents, servants, employees or any other person acting on their behalf [from] convening a credential revocation hearing involving [Plaintiff]" "pending a hearing and determination of the present application" is **DENIED**.

IT IS SO ORDERED.

Dated: August 21, 2006
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge